

Proposed Probate and Family Court Standing Order [Xb]-16

Limited Discovery

- (a) 1. Any case heard under the “Early Case Settlement Process” will comply with this Standing Order.
- 2. In any other case, parties, by written agreement, may agree to be governed by this Standing Order.
- (b) Except as otherwise agreed by the parties or ordered by the Court, this Standing Order may apply to divorce, separate support, paternity actions that include a claim for child support, and modification actions. Each party to a case described in part (a) shall exchange the documents listed below to the other party within 60 days of service of the summons.
- c) In addition to the documents that are voluntarily exchanged in accordance with Probate Court Supplemental Rule 410, the parties will exchange the following documents:
 - i. Summary plan descriptions for qualified plans held by either party at the time of the divorce.
 - ii. All deeds and mortgages on which the name of either party appears at any time during the marriage.
 - iii. Vehicle certificates of title, registrations, loan and lease documents on which the name of either party appeared at any time during the preceding year.
 - iv. Any loan application or personal financial statement(s) submitted to any institution by either or both parties during the last five years of the marriage.
 - v. All appraisals, valuations and opinions of value of all assets owned by either or both parties prepared during the last five years prior to the filing of the complaint for divorce.
 - vi. A complete copy of all credit card statements on which the name of either party appears on which there has been any activity during any of the past 12 months prior to the filing of the complaint for divorce.
 - vii. Documentation and an inventory of the contents of any safe deposit box and/or vault on which the name of either party appears.
 - viii. Copies of all insurance policies in effect at any point during the three years prior to the filing of the complaint for divorce including without limitation life insurance, home owner’s insurance, collectible or personal

- ix. property insurance, personal liability insurance (umbrella), automobile insurance or any other insurance of any kind.
 - x. Documentation evidencing beneficiary designations and changes to beneficiary designations for all assets, IRAs, 401ks, annuities, pension plans, profit sharing plans, insurance policies, etc., for either party during the past three years prior to the filing of the complaint for divorce.
 - xi. Documentation for any liability, debt, personal loan or charitable pledge in effect at any time during the preceding year including most recent statement evidencing the balance owed.
 - xii. Documentation for any UTMA accounts, UPLAN, or 529 plans in existence during the past three years including the most recent statement.
 - xii. Documentation of any student loans for a child of the marriage in existence at the time of the filing of the within complaint.
 - xiii. The most recent credit report for either party.
 - xiv. Copy of the most recent *Social Security Statement* prepared for either party by the Social Security Administration.
 - xv. For self-employed parties filing a Schedule C, all documents evidencing business income and expenses for the last 3 years.
 - xvi. A copy of all most recent year end paystubs or summaries of earnings for either party.
- d) In complaints for modification parties will exchange all documents listed above as they relate to the time period from the original judgment to the filing of the complaint for modification, unless they agree otherwise.
- e) Each party will attach an “Affidavit of Full Disclosure” (CJP-xxx) with their discovery, signed under the penalties of perjury and signed by their counsel, if any.
- f) For cases governed by this Standing Order, either as part of the “Early Case Settlement Process” or by agreement of the parties, no discovery outside this Standing Order is permitted, unless ordered by the Court upon motion of either party or by agreement of the parties.
- g) In the event that any party required to deliver documents under this Standing Order does not have any of the documents required or has not been able to obtain them in a timely fashion, he or she shall state in writing, under the penalties of perjury, the specific documents which are not available, and what efforts have been made to obtain the documents. As more information becomes available there is a continuing duty to supplement.

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

NORFOLK DIVISION

DOCKET NO. 00D0000D1

JOHN DOE

V.

MARY DOE

Limited Discovery Standing Order: Affidavit of Full Disclosure

I, _____, Plaintiff/Defendant in the above-captioned matter, certify under the penalties or perjury that I have:

- 1) made full and fair disclosure to the Defendant/Plaintiff, _____ of all of my assets (legal and equitable), liabilities, expenses and income as required by Probate Court Supplemental Rule 410 and on my Rule 410 Financial Statement;
- 2) fully complied with Probate Court Supplemental Rule 410 Mandatory Disclosure requirements and have provided the Plaintiff/Defendant with a written response and production of documents as required; and
- 3) I have provided all required documentation and fully disclosed all information necessary to fully comply with, Standing Order [Xb]-16.

I understand that the Plaintiff/Defendant and the Court are relying upon my full and fair disclosure as provided for above, and relying upon my representations, responses, and documents as provided above. I further understand that willful misrepresentation, or absence of full disclosure, could subject me to sanctions, and/or an action by the Plaintiff/Defendant to modify the Agreement/Judgment of the Court in these proceedings, or any other relief that the Court may grant.

SIGNATURE UNDER PAINS AND PENALTIES OF PERJURY

I, COUNSEL FOR PLAINTIFF/.DEFENDANT, HAVE ADVISED MY CLIENT OF THE REQUIREMENTS OF 1, 2 and 3 above and of the consequences of his/her failure to fully comply and disclose as set forth above.

Counsel for Plaintiff/Defendant